

EDMUND G. BROWN JR., Attorney General  
of the State of California  
PAUL C. AMENT  
Supervising Deputy Attorney General  
RICHARD D. MARINO, State Bar No. 90471  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-8644  
Facsimile: (213) 897-9395  
E-mail: Richard.Marino@doj.ca.gov

Attorneys for Complainant

**BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

DAVID CHARLET  
3339 Troy Drive  
Los Angeles, CA 90068

Physical Therapist License No. PT 20035

Respondent.

Case No. 1D 2005-64280

OAH No. L2006100474

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

**PARTIES**

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical Therapy Board, Department of Consumer Affairs, State of California (Board) and brought this action in his official capacity. Complainant is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Richard D. Marino, Deputy Attorney General.

2. David Charlet (Respondent) is represented in this proceeding by attorney Steven Weisberg, whose address is 16133 Ventura Boulevard, Suite 625, Encino, California

1 91436.

2 3. On or about August 26, 1994, the Board issued Physical Therapist License  
3 No. PT 20035 to Respondent. Unless renewed, the license will expire on August 31, 2008.

4 **JURISDICTION**

5 4. Accusation No. 1D 2005-64280 was filed before the Board and is  
6 currently pending against Respondent. The Accusation and all other statutorily required  
7 documents were properly served on Respondent on August 9, 2006. Respondent timely filed his  
8 Notice of Defense contesting the Accusation. A copy of Accusation No. 1D 2005-64280 is  
9 attached as Exhibit A and incorporated herein by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. 1D 2005-64280. Respondent has also  
13 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
14 Settlement and Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
18 the right to present evidence and to testify on his own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in  
26 Accusation No. 1D 2005-64280 except paragraph 15 (Second Cause for Discipline). In exchange  
27 for Respondent's admission, paragraph 15 is deemed withdrawn.

28 9. Respondent agrees that his Physical Therapist License is subject to

discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

### **CONTINGENCY**

10. This stipulation shall be subject to approval by the Physical Therapy Board. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board may communicate directly with the Physical Therapy Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw is agreement or seek to rescind the stipulation prior to the time the Physical Therapy Board considers and acts upon it. If the Physical Therapy Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Physical Therapy Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

### **DISCIPLINARY ORDER**

**IT IS HEREBY ORDERED** that Respondent David Charlet's Physical Therapist License No. PT20035 is revoked. However, the order is stayed and the Respondent placed on three (3) years probation on the following terms and conditions.

1. **RESTRICTION OF PRACTICE - ADMINISTRATION OR POSSESSION OF CONTROLLED SUBSTANCES** Respondent shall not administer or possess any controlled substances as defined in the California Uniform Controlled Substances Act. This prohibition does not apply to medications lawfully prescribed to respondent for a bona fide

1 illness or condition by a practitioner licensed to prescribe such medications.

2           2.     NOTIFICATION TO PATIENTS   The respondent shall notify all current  
3 and potential patients of any term or condition of probation which will affect their treatment or  
4 the confidentiality of their records (such as a condition for a professional practice monitor). Such  
5 notification shall be signed and dated by each patient prior to the commencement or continuation  
6 of any examination or treatment of each patient by the respondent and a copy of such notification  
7 shall be maintained in the patient's record.

8           Failure to comply with any component of this condition as specified above is a  
9 violation of probation.

10           3.     PROHIBITION OF THE USE OF ALCOHOL   Respondent shall abstain  
11 completely from the use of alcoholic beverages.

12           Failure to comply with any component of this condition as specified above is a  
13 violation of probation.

14           4.     BIOLOGICAL FLUID TESTING   Respondent shall immediately submit  
15 to biological fluid testing, at respondent's cost, upon the request of the Board or its designee.

16           Failure to comply with any component of this condition as specified above is a  
17 violation of probation.

18           5.     SUBSTANCE ABUSE ASSESSMENT AND EVALUATION   Within 30  
19 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter  
20 may be required by the Board or its designee, respondent shall undergo and complete a substance  
21 assessment and evaluation by a Board-appointed board certified physician who shall consider any  
22 information provided by the Board or designee and any other information he or she deems  
23 relevant, and shall furnish a written evaluation report to the Board or its designee.

24           Respondent shall comply with all recommendations, including diversion, of the  
25 evaluating physician within 15 calendar days after being notified by the Board or its designee.  
26 Failure to undergo and complete the substance abuse assessment and evaluation or comply with  
27 the evaluating physician's recommendations is a violation of probation.

28           6.     PROBATION MONITORING COSTS   Respondent shall reimburse all

1 costs incurred by the Board for probation monitoring during the entire period of probation.  
2 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical  
3 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the  
4 billing shall constitute a violation of the probation order.

5           7.     COST RECOVERY The respondent is ordered to reimburse the Board  
6 the actual and reasonable investigative and prosecutorial costs incurred by the Board in this case  
7 in the amount of \$2,282.50. Said costs shall be reduced, however, and the remainder forgiven, if  
8 Respondent pays \$2,000.00 within 30 days of the effective date of the Decision. In the event  
9 Respondent fails to pay within thirty (30) days of this Decision, the full amount of costs shall be  
10 immediately due and payable. Failure to pay the ordered reimbursement, or any agreed upon  
11 payment, may constitute a violation of the probation order. The filing of bankruptcy by  
12 Respondent shall not relieve Respondent of his responsibility to reimburse the Board. If  
13 Respondent is in default of his responsibility to reimburse the Board, the Board will collect cost  
14 recovery from the Franchise Tax Board, the Internal Revenue Service or by any other means of  
15 attachment of earned wages legally available to the Board. Failure to fulfill the obligation could  
16 also result in attachment to the Department of Motor Vehicle registrations and/or license  
17 renewals.

18           8.     OBEY ALL LAWS Respondent shall obey all federal, state and local  
19 laws, and statutes and regulations governing the practice, inspections and reporting, of physical  
20 therapy in California and remain in full compliance with any court ordered criminal probation.

21           9.     COMPLIANCE WITH ORDERS OF A COURT The respondent shall be  
22 in compliance with any valid order of a court. Being found in contempt of any court order is a  
23 violation of probation.

24           10.    COMPLIANCE WITH CRIMINAL PROBATION AND PAYMENT OF  
25 RESTITUTION Respondent shall not violate any terms and conditions of criminal probation  
26 and shall be in compliance with any restitution ordered, payments or other orders.

27           11.    QUARTERLY REPORTS Respondent shall submit quarterly  
28 declarations under penalty of perjury on forms provided by the Board, stating whether there has

1 been compliance with all the conditions of probation.

2 12. PROBATION MONITORING PROGRAM COMPLIANCE Respondent  
3 shall comply with the Board's probation monitoring program.

4 13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent  
5 shall appear in person for interviews with the Board, or its designee, upon request at various  
6 intervals.

7 14. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The  
8 respondent shall notify all present or future employers of the reason for and the terms and  
9 conditions of the probation by providing a copy of the Initial Probationary License, Statement of  
10 Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and  
11 submit written employer confirmation of receipt to the Board within 10 days. The notification(s)  
12 shall include the name, address and phone number of the employer, and, if different, the name,  
13 address and phone number of the work location.

14 15. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The  
15 respondent shall notify the Board, in writing, of any and all name and/or address changes within  
16 ten (10) days.

17 16. TOLLING OF PROBATION The period of probation shall run only  
18 during the time respondent is practicing or performing physical therapy within California. If,  
19 during probation, respondent does not practice or perform within California, respondent is  
20 required to immediately notify the probation monitor in writing of the date that respondent is  
21 practicing or performing physical therapy out of state, and the date of return, if any. Practicing or  
22 performing physical therapy by the respondent in California prior to notification to the Board of  
23 the respondent's return will not be credited toward completion of probation. Any order for  
24 payment of cost recovery shall remain in effect whether or not probation is tolled.

25 17. VIOLATION OF PROBATION If respondent violates probation in any  
26 respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke  
27 probation and carry out the disciplinary order that was stayed. If an accusation or petition to  
28 revoke probation is filed against respondent during probation, the Board shall have continuing

jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

18. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender his license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the respondent makes application for the renewal of the tendered license or makes application for a new license.

19. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION It is not contrary to the public interest for the respondent to practice and/or perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the Board that this order, the fact that the respondent has been disciplined, or that the respondent is on probation, shall be used as the sole basis for any third party payer to remove respondent from any list of approved providers.

20. PROHIBITED USE OF ALIASES Respondent may not use aliases and shall be prohibited from using any name which is not him legally-recognized name or based upon a legal change of name.

21. INTERMITTENT WORK If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if he works less than 192 hours in a three month period..

22. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent

1 ceases practicing or performing physical therapy due to retirement, health or other reasons or is  
2 otherwise unable to satisfy the terms and conditions of probation, respondent may request to  
3 surrender his license to the Board. The Board reserves the right to evaluate the respondent's  
4 request and to exercise its discretion whether to grant the request or to take any other action  
5 deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the  
6 tendered license, the terms and conditions of probation shall be tolled until such time as the  
7 license is no longer renewable, the respondent makes application for the renewal of the tendered  
8 license or makes application for a new license.

9                   23.     COMPLETION OF PROBATION Upon successful completion of  
10 probation, respondent's license shall be fully restored.



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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Steven Weisberg. I understand the stipulation and the effect it will have on my Physical Therapist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board.

DATED: January 25, 2007.

Original Signed By:  
DAVID CHARLET  
Respondent

I have read and fully discussed with Respondent Physical Therapy Examining Committee, Department of Consumer Affairs the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: January 25, 2007.

Original Signed By:  
STEVEN WEISBERG  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board.

DATED: March 26, 2007

EDMUND G. BROWN JR., Attorney General  
of the State of California

PAUL C. AMENT  
Supervising Deputy Attorney General

Original Signed By: \_\_\_\_\_  
RICHARD D. MARINO  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006501801  
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**BEFORE THE  
PHYSICAL THERAPY BOARD**

In the Matter of the Accusation Against:

DAVID CHARLET

Physical Therapist License No. PT 20035

Respondent.

Case No. 1D 2005-64280

OAH No. L2006100474

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board as its Decision in this matter.

This Decision shall become effective on July 11, 2007.

It is so ordered this June 11, 2007.

Original Signed By:  
Nancy Krueger, P.T., President  
Physical Therapy Board  
of California